

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1627
)
LADNER, et al.) Examiner: CELSA, Ben
)
Serial No.: 09/896,095) Confirmation No. 8870
)
Filed: June 29, 2001) Washington, D.C.
)
For: DIRECTED EVOLUTION) August 28, 2002
OF NOVEL BINDING PROTEINS) Docket No.: LADNER=7L
)

SECOND PRELIMINARY AMENDMENT

Commissioner of Patents
Washington, D.C. 20231

08/29/2002 BSAYAS11 00000047 09896095

01 FC:103

180.00 DP

S i r :

Prior to action on the merits, please enter the following amendments and remarks:

IN THE CLAIMS

Please add the following new claims:

101. (New) A non-naturally occurring or purified protein which inhibits human neutrophil elastase, and which is a protein comprising a mutant Kunitz domain, said domain being characterized by Cys at positions corresponding to bovine pancreatic trypsin inhibitor (BPTI) position 12, and Phe at a position corresponding to BPTI 33;

where, in said mutant Kunitz domain, the residue corresponding to BPTI position 18 is Phe, and

the residue corresponding to BPTI position 39 is selected from the group consisting of Met, Lys, Trp, Arg, His, Leu, or Glu;

the residue corresponding to BPTI position 40 is Ala or Gly; and

the residue corresponding to BPTI position 41 is Lys, Glu, Gln, Asp, His, Asn or Tyr; and

the residues corresponding to BPTI position 39-42 are not Arg-Ala-Lys-Arg.

102. (New) The protein of claim 101 in which the residues corresponding to BPTI positions 14 and 38 are Cys, and the residue corresponding to BPTI position 37 is Gly; and



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 Washington, D.C.
 Atty.'s Docket: LADNER=7L
 Date: August 28, 2002

THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

Sir:

Transmitted herewith is an ☐ Amendment ☒ Second Preliminary Amendment
 in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate	Additional Fee		Rate
Total	344	Minus	344		10		x 4	\$		x 14
Indep.	3	Minus	3		0		x 40	\$		x 14
First Presentation of Multiple Dependent Claim							140	\$		x 140
TOTAL ADDITIONAL CLAIMS FEE								\$		Total
								\$		\$180.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
☐ Second - \$200.00
☐ Third - \$460.00
☐ Fourth - \$720.00
☐ Fifth - \$980.00

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
☐ Second - \$ 400.00
☐ Third - \$ 920.00
☐ Fourth - \$1440.00
☐ Fifth - \$1960.00

☐ Less fees (\$) already paid for months extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached (check no.).

☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$180.00 is attached.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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